UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF KENTUCKY
PIKEVILLE

UNITED STATES OF AMERICA

v.

STERLING HAMILTON

Filed July 6, 1981

INDICTMENT No. 81-6

THE GRAND JURY CHARGES:

That on or about April 7, 1981, at Tram, Kentucky, in the Eastern District of Kentucky,

STERLING HAMILTON

did corruptly endeavor to influence, obstruct and impede the due administration of justice in that Sterling Hamilton did corruptly and by threats and force and threatening communication endeavor to influence, intimidate and impede Orville Thompson, Jr., a prospective witness in the case of Sterling Hamilton and Olga Helen Hamilton v. American Employers Insurance Company d/b/a Commercial Union Assurance Company, Pikeville Civil Action No. 80-138, United States District Court, Eastern District of Kentucky, in violation of Title 18, United States Code, Section 1503.

A True Bill

(s) Ronald Thompson
Foreman

(s) Patrick H. Molloy
Patrick H. Molloy

NOV 14 1981

United States of America vs.

DEFENDANT: STERLING HAMILTON

United States District Court for the EASTERN DISTRICT OF KENTUCKY at PRESTONSBURG

DOCKET NO. 81-6

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date: MONTH NOVEMBER DAY 12, YEAR 1981

[ ] WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

[X] WITH COUNSEL William D. Kirkland (Name of counsel)

PLEA

[ ] GUILTY, and the court being satisfied that there is a factual basis for the plea. [ ] NOLO CONTENDERE. [ ] NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of [ ] NOT GUILTY. Defendant is discharged [X] GUILTY.

Defendant has been convicted as charged of the offense(s) of Obstruction of justice in violation of Title 18, Section 1503, of the United States Code.

FILED NOV 12 1981

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

EIGHTEEN(18) MONTHS

SPECIAL CONDITIONS OF PROBATION

The above sentence is to be served under the provisions of Title 18, Section 4205(a).

IT IS ADJUDGED THAT the above sentence be served consecutively to sentence now being served or may be required to serve prior to beginning service of the sentence this day imposed.

ADDITIONAL CONDITIONS OF PROBATION

A presentence report was submitted to Court before the imposition of sentence with copies furnished to counsel pursuant to Rule 32, of the Federal Rules of Criminal Procedure.

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON THIS DATE 11/14/81

BY [ ] DEPUTY

SIGNED BY [X] U.S. District Judge [ ] U.S. Magistrate

G. WIX UNTHANK, JUDGE 11/14/81

GENERAL CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall, during the period of probation, conduct himself in a law-abiding, industrious citizen and observe all conditions of probation prescribed by the court. TO THE DEFENDANT — You shall:
(1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
(2) associate only with law-abiding persons and maintain reasonable hours;
(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
(4) not leave the judicial district without permission of the probation officer;
(5) notify your probation officer immediately of any change in your place of residence;
(6) follow the probation officer's instructions and report as directed.
The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____, the institution designated by the Attorney General, with a certified copy of the within Judgment and Commitment.

_____
United States Marshal

By _____
Deputy Marshal

No. 81-5842

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA - - *Plaintiff-Appellee*

v.

STERLING HAMILTON - - - *Defendant-Appellant*

ORDER—Filed June 30, 1982

BEFORE: LIVELY and KEITH, Circuit Judges; and WEICK, Senior Circuit Judge.

The defendant appeals from his jury conviction for endeavoring to obstruct justice by seeking to influence a witness in an up-coming federal civil action. 18 U.S.C. §1503. On appeal the defendant contends that the evidence was not sufficient to support the verdict of the jury, that an instruction that the jury might infer that the defendant intended the natural and probable consequences of his actions was prejudicial, that the trial court omitted an element of the offense in its charges to the jury and that in closing argument the prosecutor made an impermissible reference to the defendant's failure to testify.

Upon consideration of the briefs and oral arguments of counsel together with the record on appeal this court concludes that no reversible error was committed in the district court proceedings.

Accordingly, the judgment of the district court is affirmed.

Entered By Order of the Court
John P. Hehman, Clerk

(s) Leonard Green
Leonard Green, Chief Deputy